

Amendment No. 2 to HB2620

Lynn
Signature of Sponsor

AMEND Senate Bill No. 2273*

House Bill No. 2620

by adding the following new sections immediately preceding the last section and renumbering the subsequent section accordingly:

SECTION _____. Tennessee Code Annotated, Section 39-14-412, is amended by deleting subsection (c) and substituting instead the following:

(c)

(1) A violation of subsection (a) is a Class B misdemeanor. All violations shall be punished by at least twenty-five (25) hours of community service work to be determined by the court.

(2) A violation of subsection (b) is a Class E felony. In any sentence imposed for a violation of subsection (b), the court shall include a mandatory minimum sentence of thirty (30) days of incarceration and an order of restitution for any property damage or loss incurred as a result of the offense.

SECTION _____. Tennessee Code Annotated, Section 39-14-414, is amended by deleting subdivisions (b)(1) and (b)(2) and substituting instead the following:

(b) As used in this section, "camping" means temporary habitation outdoors as evidenced by one (1) or more of the following:

(1) Erecting or using tents or other shelters;

(2) Sleeping or making preparation to sleep, including laying down a sleeping bag, blanket, or other material used for bedding;

(3) Placing or storing personal belongings for future use, including storing food for consumption;

Amendment No. 2 to HB2620

Lynn
Signature of Sponsor

AMEND Senate Bill No. 2273*

House Bill No. 2620

(4) Carrying on cooking activities, whether by fire or use of artificial means, such as a propane stove or other heat-producing portable cooking equipment;

(5) Making a fire or preparing to make a fire; or

(6) Doing any digging or earth breaking.

SECTION _____. Tennessee Code Annotated, Section 39-14-414, is amended by deleting subsection (f) and substituting instead the following:

(f) A violation of this section is a Class E felony. In any sentence imposed for a violation of this section, the court shall include a mandatory minimum sentence of thirty (30) days of incarceration and an order of restitution for any property damage or loss incurred as a result of the offense.

SECTION _____. Tennessee Code Annotated, Section 39-14-414, is amended by adding the following new appropriately designated subsection:

() It is not a defense to a violation of this section that any act set-out in subdivision (a)(1) is for a purpose other than temporary habitation unless prior approval to conduct the act is given from the agency having jurisdiction over the property.

SECTION _____. Tennessee Code Annotated, Section 39-14-408, is amended by deleting subdivision (c)(1) and substituting instead the following:

(1)

(A) A person violating subdivision (b)(1) or (b)(3) is a principal under § 39-11-401 and shall be punished as for theft under § 39-14-105, after determining value under § 39-11-106.

(B) Notwithstanding subdivision (c)(1)(A), a violation of subdivision (b)(1) by causing damage to or the destruction of any real or personal property of the state, the United States, any county, city, or town shall be punished as for theft under § 39-14-105, but in no event shall such a violation be less than a Class E felony. In any sentence imposed for such a violation, the court shall include a mandatory minimum sentence of thirty (30) days of incarceration and an order of restitution for any property damage or loss incurred as a result of the offense.